

**Membership Balance Plan**  
**Missouri River (North Dakota) Task Force**

**Agency:** Department of Defense (DoD)

- 1. Authority:** The Secretary of Defense, under the provisions of Section 705(a) of Title VII, the Missouri River Protection and Improvement Act of 2000, Public Law 106-541, the Federal Advisory Committee Act (FACA) of 1972, (5 U.S.C., Appendix, as amended) and 41 CFR § 102-3.50(a) (required by statute), established the Missouri River (North Dakota) Task Force (hereafter referred to as “the Task Force”).
- 2. Mission/Function:** The Task Force shall provide independent advice and recommendations to the Secretary of the Army and the U.S. Army Corps of Engineers on plans and projects to reduce siltation of the Missouri River in the State of North Dakota and to meet the objectives of the Pick-Sloan Program. Specifically, the Task Force shall:
  - a. Prepare and approve, by a majority of the members, a plan for the use of the funds made available under Public Law 106-541, to promote conservation practices in the Missouri River watershed, control and remove the sediment from the Missouri River, protect recreation on the Missouri River from sedimentation, and protect Indian and non-Indian historical and cultural sites along the Missouri River from erosion;
  - b. Develop and recommend to the Secretary of the Army for implementation critical restoration projects meeting the goals of the plan; and
  - c. Determine if these projects primarily benefit the Federal Government.
- 3. Points of View:** As prescribed by Public Law 106-541, the Task Force shall be composed of not more than twenty members. Specifically, the Task Force membership shall be composed of:
  - a. Secretary of the Army or designee, who shall serve as the Chairperson;
  - b. Secretary of Agriculture or designee;
  - c. Secretary of Energy or designee;
  - d. Secretary of the Interior or designee; and
  - e. The Trust. The Trust is composed of sixteen members to be appointed by the Secretary of the Army as representative members, including:
    - i. Twelve members recommended by the Governor of North Dakota that represent equally the various interest of the public. Included in these twelve members, there shall be recommendations of representatives of the North Dakota Department of Health, the North Dakota Parks and Recreation Department, the North Dakota Department of Game and Fish, the North Dakota State Water Commission, the North Dakota Indian Affairs Commission, agricultural groups, environmental or conservation groups, the hydroelectric power industry, recreations user groups, local governments, and other appropriate interests.

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- ii. The Trust also shall include one member recommended by each of the four Indian Tribes in the State of North Dakota.

**4. Other Balance Factors:** N/A

- 5. Candidate Identification Process:** Individuals recommended for The Trust in accordance with Public Law 106-541, as described above, shall be appointed by the Secretary of the Army as representative members to the Task Force. Prior to the formal nomination, the list of potential nominees undergoes a review by the Department of Defense Office of General Counsel (DoD OGC) and the Office of the Advisory Committee Management Officer to ensure compliance with statute, as well as federal and DoD governance requirements; for example, compliance with the advisory committee's charter and the membership balance plan. All Task Force members shall be appointed for two-year terms and generally will serve no more than four years total on the Task Force, or as determined by the Secretary of the Army or designee.
- 6. Subcommittee Balance:** The Department, when necessary, and consistent with the Task Force's mission and DoD policies and procedures, may establish subcommittees deemed necessary to support the Task Force. Establishment of subcommittees will be based upon a written determination, to include terms of reference, by the Secretary of Defense, the Deputy Secretary of Defense, or the Task Force's sponsor.

The Secretary of Defense or the Deputy Secretary of Defense shall approve the appointment of subcommittee members, and these individuals may come from the parent committee or new nominees, as recommended by the Task Force's sponsor and based upon the matters under consideration.

As required by the Task Force's charter, these subcommittees operate under the provisions of FACA, the Government in the Sunshine Act of 1976 (5 U.S.C. § 552b), governing Federal statutes and regulations, and governing DoD policies/procedures.

- 7. Other:** The DoD adheres to the rules and regulations issued by the Office of Government Ethics and the Administration's prohibition against registered Federal lobbyists.
- 8. Prepared:** May 3, 2012